

NOT INCLUDED  
IN BOUND VOLUMES

PJMc  
Seattle, WA

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

INDUSTRIAL CONTAINER SERVICES –  
WA, LLC

Employer

and

Case 19-RC-139080

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, LOCAL 117

Petitioner

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board, by a three-member panel, has considered objections to an election held December 1, 2014, and the hearing officer's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 23 for and 12 against the Petitioner, with 2 challenged ballots, an insufficient number to affect the results.

The Board has reviewed the record in light of the exceptions and briefs, has adopted the hearing officer's findings and recommendations,<sup>1</sup> and finds that a certification of representative should be issued.

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<sup>1</sup> In adopting the hearing officer's recommendations to overrule the Employer's Objections 1 and 2, we affirm his finding that the Employer failed to establish that Efrain Name was a Sec. 2(11) supervisor. We therefore find it unnecessary to pass on the hearing officer's alternative assessment of whether, assuming that Name was a statutory supervisor, he engaged in objectionable prounion conduct.

The Employer argues that Production Manager Bob Miller's testimony that Name terminated an employee named Travis in 2008 establishes that Name possessed the supervisory authority to discharge. Even assuming, *arguendo*, that Miller's testimony demonstrates a single instance of Name exercising the supervisory authority to

## CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for International Brotherhood of Teamsters, Local 117, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

Included: All full-time and regular part-time leads, production employees, maintenance employees, and drivers employed by the Employer at its Seattle, Washington facility.

Excluded: All other employees, office clerical employees, managers, and guards and supervisors as defined by the Act.

Dated, Washington, D.C., May 27, 2015.

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Mark Gaston Pearce, Chairman

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Harry I. Johnson, III, Member

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Lauren McFerran, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

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discharge, we find that such an isolated instance does not establish that Name was a Sec. 2(11) supervisor. See, e.g., *Republican Co.*, 361 NLRB No. 15, slip op. at 8 (2014); *Shaw, Inc.*, 350 NLRB 354, 357 & fn. 21 (2007); *Kanawha Stone Co.*, 334 NLRB 235, 237 (2001); *Loffland Bros. Co.*, 243 NLRB 74, 75 (1979).

In the absence of exceptions, we adopt pro forma the hearing officer's recommendation to overrule the Employer's Objection 3.